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eral cities permitting the sale, and having been exported. The bulk of it is still in the warehouses. Internal revenue officers to-day estimated that there are approximately 65,000,000 gallons left. The Federal government will lose \$40,000,000 in taxes through the dashing of the "wets," hopes for a "wet" Christmas. The taxes on the whisky still in the warehouses for the holidays, would have yielded the government that amount in revenue, according to Internal Revenue Commissioner Roper's estimate.

Justice Brandeis' Decision

Justice Brandeis' decision in part follows: The war power of the United States, like its other powers, and like the police power of the states, is subject to applicable constitutional limitations; but the Fifth Amendment imposes in this respect no greater limitation upon the national power than does the Fourteenth Amendment upon state power. If the nature and conditions of a restriction upon the use or disposition of property is such that a state could, under the police power, impose it consistently with the Fourteenth Amendment without making compensation, then the United States may impose a similar purpose impose a like restriction consistently with the Fifth Amendment, without making compensation; for prohibition of the use of property for the purpose of increasing our war efficiency. "There was no appropriation of the liquor for public purposes. The prohibition was fixed a period of seven months and nine days from its passage during which liquors could be disposed of free from any restriction imposed by the Federal government. Thereafter, until the end of the war and the termination of mobilization, it permits an unrestricted sale for export, and, within the United States, sales for other than beverage purposes. The uncompensated restriction upon the disposition of liquors imposed by this act is of a nature far more severe than the restrictions on the use of property acquired before the enactment of the prohibitory law, which were held to be permissible in cases arising under the Fourteenth Amendment.

State Rights Not Answered in Suit

"The question whether an absolute prohibition of sale could be applied by a state to liquor acquired before the enactment of the prohibitory law has been raised by this court but not answered, because unnecessary to a decision. But no reason appears why a state statute, which postpones its effective date long enough to enable those engaged in the business to dispose of stocks on hand at the date of its enactment, should be obnoxious to the Fourteenth Amendment or why such a Federal law should be obnoxious to the Fifth Amendment. "We cannot say that seven months and nine days was not a reasonable time within which to dispose of all liquors in bonded warehouses on November 21, 1918. The amount then in storage was materially less than was usually carried; because no such liquor could be lawfully made in America under the Lever food and fuel control act after September 9, 1917. And if, as is suggested, the liquors remaining in bond November 21, 1918, were not yet sufficiently ripened or aged to permit them to be advantageously disposed of within the limited period of seven months

and nine days thereafter, the resulting inconvenience to the owner, attributable to the inherent qualities of the property itself cannot be regarded as a taking of property in the constitutional sense.

Congress Rights Upheld When Actual War Ended

"Did the act become void by the passing of the war emergency before the commencement of these suits? It is conceded that the mere cessation of hostilities under the armistice did not abridge or suspend the power of Congress to resort to prohibition of the liquor traffic as a means of increasing our war efficiency; that the support and care of the army and navy during demobilization was within the war emergency; and that hence the act was valid when passed. The contention is that between the date of its enactment and the commencement of these suits it had become evident that hostilities would not be resumed; that demobilization had been effected; that thereby the war emergency was removed and that when the emergency ceased the statute became void.

"To establish that the emergency has passed, statements and acts of the President and of other executive officers have been introduced, some of them antedating the enactment of the statute here in question. But we have also the fact that since these statements were made and the acts introduced, the act of March 4, 1919, passed over the President's veto the national prohibition act; that the Senate, on November 13, 1919, rejected the League of Nations treaty with Germany; that under the provisions of the Lever act he resumed, on October 30, 1919, the control of the fuel supply; that he is still operating under the act which control had been taken as a war measure; and that on November 18, 1919, he vetoed Senate bill 641, because it diminished that control; that he continues to control, by means of the food administration grain corporation, the supply of grain and wheat flour; that through the United States act of demobilization Board, Inc., he still regulates the price of sugar; that in his message to Congress on December 2, 1919, he urgently recommended that the restriction for six months of the powers of the food administration; that as commander in chief he still keeps a part of the army in enemy occupied territory and another part in Siberia; and that he has refrained from issuing the proclamation declaring the termination of demobilization, for which this act provides. "No principle of our constitutional law more firmly established than that this court may not in passing upon the validity of a statute inquire into the motives of Congress. Nor may the court inquire into the wisdom of the legislation. Nor may it pass on the necessity for the exercise of a power possessed, since the possible abuse of a power is not an argument against its existence.

Congress Must Say Emergency Has Passed

"Conceding for the purposes of the present case that the question of the continuing validity of the war prohibition act under the changed circumstances depends upon whether it appears that there is no longer any necessity for the prohibition of the sale of distilled spirits for beverage purposes, it remains to be said that on obvious grounds every reasonable intendment must be made in favor of the validity of the act. The prescribed period of limitation not having arrived; that to Congress in the exercise of its powers, not least the war power upon which the very purpose of the act is based, a wide latitude of discretion must be accorded; and that it would require a clear case to justify a court in declaring that such an act, striking down such a purpose, had ceased to have force because the power of Congress no longer continued. In view of facts of public knowledge, some of which have been referred to, we are unable to conclude that the act has ceased to be valid.

"Was the act repealed by the adoption of the Eighteenth Amendment? By the express terms of the amendment the prohibition thereby imposed becomes effective after one year from its ratification. Ratification was proclaimed January 23, 1919. The contention is that, as the amendment became on its adoption an integral part of the Constitution, its implications are as binding upon the United States as the individual states. If it guarantees a year of immunity from interference by the Federal government with the liquor traffic, it is difficult to see why the guaranty does not extend also to immunity from interference by the individual states, with like results as to the existing state legislation. The contention is clearly unsound.

Eighteenth Amendment Good in Peace and War

The Eighteenth Amendment, with its implications, if any, is binding, not only in times of peace, but in war. Furthermore, the amendment is binding alike upon the United States and the individual states. If it guarantees a year of immunity from interference by the Federal government with the liquor traffic, it is difficult to see why the guaranty does not extend also to immunity from interference by the individual states, with like results as to the existing state legislation. The contention is clearly unsound.

"Did the prohibition imposed by the act expire by limitation before the commencement of these suits? It is contended both that the war has been concluded and that the demobilization has terminated. "In the absence of specific provisions to the contrary, the period of war has been held to extend to the ratification of the treaty of peace or the proclamation of peace. From the fact that other statutes concerning war activities contain each a specific provision for determining when it shall



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cease to be operative, and from the alleged absence of such a provision here, it is argued that the term "conclusion of the war" should not be given its ordinary legal meaning; that instead it should be construed as the time when actual hostilities ceased; or when the treaty of peace was signed at Versailles, on June 28, 1919, by the American and German representatives; or, more generally, when the actual war emergency ceased by reason of our complete victory and the disarmament of the enemy, coupled with the demobilization of our army and the closing of war activities; or when the declared purpose of the act of "conserving the man power of the nation, and to increase efficiency in the production of arms, munitions, ships, food and clothing for the army and navy" shall have been fully satisfied.

War Not Over Until Treaty Is Ratified

"But there is nothing in the words used to justify such a construction. "Conclusion of the war" clearly did not mean cessation of hostilities; because the act was approved ten days after hostilities had ceased, on the signing of the armistice. Nor may we assume that Congress intended by the phrase to designate the date when the treaty of peace should be signed at Versailles or elsewhere by German and American representatives, since by the Constitution a treaty is only a proposal until approved by the Senate.

"It is insisted that he has done so. The contention does violence to both the language and the evident purpose of the provision. When the President mentioned in his veto message the 'demobilization of the army and navy' the words were doubtless used in a popular sense, just as he had declared to Congress

on the occasion of the signing of the armistice: 'The war thus comes to an end.' If he had believed on October 28, 1919, that demobilization had, in an exact sense, terminated, he would doubtless have issued then a proclamation to that effect, for he had manifested a strong conviction that restriction upon the sale of liquor should end.

"Only by such proclamation could the purpose of Congress be attained and the serious consequences attending uncertainty be obviated. But in fact demobilization had not terminated at the time of the veto of the act of October 28, 1919, or at the time these suits were begun, and, for aught that appears, it has not yet terminated. The report of the Secretary of War made to the President under date of November 11, 1919 and transmitted to Congress on December 1, in describing the progress of demobilization, shows (p. 17) that during the preceding ten days (November 1 to 10) 2,018 officers and 10,236 enlisted men had been discharged, the rate of discharge being substantially the same as during the month of October, in which 8,990 officers and 33,000 enlisted men were discharged."



Some Light on Pleasing the Masculine Fancy

If you want to make that man really happy this Xmas put him in the Par-amount Circle with a few of these gift candidates from our always up-to-the-minute stock.

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- Interwoven Hose—in which any man is well-heeled, in Xmas boxes—Lisle, 50c; Silk, \$1.00.
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Dry Decision Booms Speculation in Cider

WINSTED, Conn., Dec. 15.—The decision of the Supreme Court upholding wartime prohibition is expected to stimulate cider prices, which already have reached \$1 a gallon in this vicinity. Speculation in cider and even in next fall's sour apple crop is prevalent. Some farmers are holding their cider in the belief that it will bring more as vinegar next summer than it will now as cider. Some already have received attractive offers for next year's crop of cider apples.

other intoxicants in St. Louis and the Eastern District of Missouri. The necessary proceedings will be instituted to-morrow morning. Attorneys interested in the situation predicted St. Louis would be dry within twenty-four hours.

Assistant District Attorney White, in charge of liquor litigation for the government in this district, said that as soon as the supersedeas writs were obtained steps would be taken to prosecute all persons who had violated the provisions of the war-time prohibition act. This will apply to all violators, even if they dispose of intoxicants under protection of Federal injunctions. It is understood the matter will be given immediate consideration by the court.

Distillers are making every effort to dispose of much of their immediate stock to-night and to-morrow. Under ordinary conditions this would be hard, but with thousands of persons ready to haul their purchases away, and to pay cash, all records are expected to be broken. After that it will be a case of expediting shipments as much as possible to get the remaining stock out of the country.

St. Louis was confident that it would be wet until January 16, and the Supreme Court decision was a severe blow. Plans were being made for an unprecedented New Year's Eve celebration, and hundreds of table reservations at hotels and restaurants had been made from out of town.

Retail whisky dealers and saloon men to-night said they would have no trouble disposing of their stocks before midnight. A number of wholesalers said they would be selling all night to persons who would pay cash and take it away with them.

Takes Day Off to See "Wet" Victory; Repents

Juror Wine Merchant Joins Lodge of Sorrow With Many of the Trade in Brooklyn

No man in New York probably was more astounded or more keenly disappointed by the prohibition decision of the Supreme Court than Leon Renault, a Brooklyn wine dealer, who has been serving on a Kings County Court jury. Renault was one who had put faith in the rumor widely circulated two weeks ago among saloon men that "somebody close to the court" had advance notice that it would knock out the Volstead law. That knock-out was to have been delivered last Monday, according to the rumor. When the forecast failed to materialize Renault, among others, thought sure it had been only delayed a little, and yesterday he asked Judge Dike to excuse him for the day.

"The Supreme Court's coming through with the prohibition decision to-day," he explained, "and I want to be on hand at my store for the rush."

"Do you expect the ban to be lifted?" asked Judge Dike.

"Sure," replied Renault. "Time's getting short, and it will have to be lifted some time."

"Well your faith is sublime," Judge Dike returned. "I hope your beautiful anticipation is realized. You're excused."

Renault had just reached his wine store when he got the word, "Supreme Court Upholds the Prohibition Act."



Sure Relief
BELL-ANS FOR INDIGESTION
6 BELL-ANS Hot water Sure Relief FOR INDIGESTION

New Orleans Cancels Plans for "Wet" Fete

NEW ORLEANS, Dec. 15.—Wartime prohibition, finally held constitutional by the Supreme Court, fell like a steam hammer on the hopes of the saloon element of New Orleans, crushing tentative plans for a dandy joyous holiday season. Hundreds of orders placed several weeks ago with distillers and releases from warehouses to become effective if the lid was lifted were canceled automatically. The arrival here shortly of a regional director for enforcing the prohibition laws finally will stop the sale of all manner of intoxicants, it is said.

150,000 Turks Starving And Homeless in Smyrna

Hundreds of Thousands Are Reported Dead of Hunger in South Russia

CONSTANTINOPLE, Dec. 15 (By The Associated Press).—Winter is bringing immense misery and hundreds of thousands of deaths from hunger and disease have occurred throughout the Middle East Caucasus. South Russia. The flight of refugees of all nationalities through Asia Minor into South Russia has begun. Reports indicate that the unprecedented hardships are increased by wars and the preying of little bands on one another.

It is estimated that there are more than 150,000 Turks homeless, living in the open in Smyrna, and most of them starving. The Sultan's attitude for these people is made impotent by his lack of funds.

Fleet Here for Christmas

2 Superdreadnoughts Among Warships at Navy Yard

A large fleet of warships, from the superdreadnoughts Pennsylvania and Arizona down through the various classes to speedy submarine chasers, will spend the Christmas holidays at the Brooklyn navy yard. There is a chance the Navy Department may lift the ban against visitors during this period.

There are now eight destroyers in the yard and several more are scheduled to arrive within the next few days. The cruiser Rochester will also be there.

The destroyer Broome, which was to have started soon for the Mediterranean, met with an accident in the East River the other day, which will cause postponement of the voyage. The vessel ran into some obstruction under the surface and the two big shafts that hold the propellers in place were badly bent. It will take about two months to repair the destroyer.

Magistrate Frees Men Arrested on Gambling Charges

Reprimands Detectives Who Accuse Prisoners of Betting on Races, Shooting Craps and Playing Poker

Efforts of detectives to obtain convictions on gambling cases which they brought last night before Magistrate Corrigan in Night Court, proved fruitless in every instance. Crap shooters, poker players and men who had been "playing the ponies" were marshaled in succession before his honor and discharged after their captors had been reprimanded.

The long procession of devotees of chance got on the nerves of the magistrate, and when the final batch of the evening was brought before him he proceeded to give the men who had arrested the prisoners a "dressing down," announcing among other things that the alleged gamblers should sue their captors for false arrest.

The craphshooters came first. These had been gathered in at a cigar store at 31 East Thirty-first Street by Detectives Kiernan, Ratzman and De Luca, of the Third Inspection District.

"Numerous police raids to the contrary," said Magistrate Corrigan. "I have failed in my interpretation of the law to find any crime in shooting dice."

Seven dollar-limit poker players, gathered at a tailor shop at 36 East Twenty-third Street, were then offered by Kiernan and his associates an Exhibit B. They were also discharged.

Detectives Guran and Gilman of the Sixth Inspection District then produced seventeen men, who, they said, had been gambling on the horses at 226 West 124th Street.

"Betting on the horses, according to my interpretation of the law, is not a crime either," said the magistrate, as he freed the prisoners.

Detective McLoughlin appeared with sixteen alleged crap shooters whom he had captured at 119 West Forty-fifth Street. The magistrate's patience vanished. One of the prisoners, who said his name was Sam Jones, charged that he had been beaten by one of the raiders, who broke into the flat where a friendly craps game was in progress.

"I'll tell you, officer," said the magistrate vehemently. "If this sort of thing goes on much further, I'll give some of you men a chance to learn some law. I'm pretty tired of hearing these tales, night after night, of men brought before me by five or six officers who have been guilty of going in and assaulting people who are not guilty of the commission of any crime."

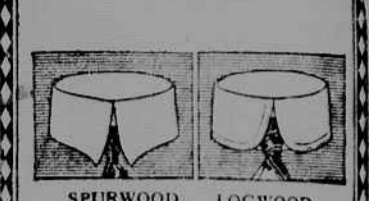
"I sincerely wish that some of these

people would sue you men for false arrest and then would recover judgment. If they did collect the salaries of some of you officers who do this, they would soon put a stop to this illegal practice.



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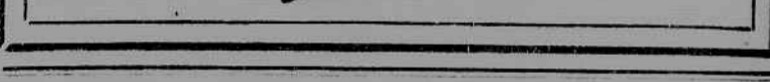
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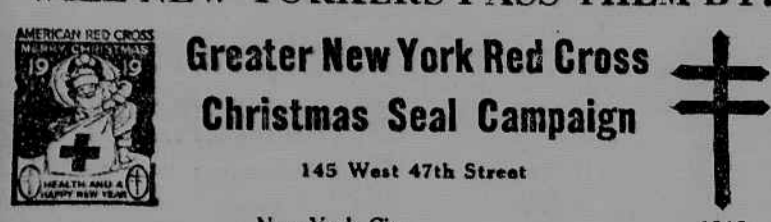
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